

GOVERNMENT OF TELANGANA

ABSTRACT

Tribal Welfare Department – Telangana State – Adilabad District – Issue of Agency Area Local ST Certificates under GO Ms.No.24, dt.12.6.2018 of Tribal Welfare (LTR) Department – Cancellation of certificate by the District Collector, Adilabad District vide Procgs.Rc.No.C3/2596/2019-33, dt. 31.01.2020 - Appeal filed by Ade Kapil Dev S/o Ganesh R/o Rampur village of Bazarhathnoor Mandal of Adilabad District – Appeal allowed – Orders – Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 21

Dated: 31-10-2020

Read the following:-

1. GO Ms.No.24, TW (LTR) Department, dated 12.6.2018.
2. Procgs.Rc.No C3/2596/2019-33, dt.31.01.2020 of District Collector, Adilabad.
3. Appeal petition filed by Ade Kapil Dev S/o Ganesh R/o Rampur village of Bazarhathnoor Mandal of Adilabad District, dated 20.02.2020.
4. Govt.Memo.No.274/TW.LTR/2020, dated 28.05.2020
5. Lr.Rc.No.D5/309/2018, dated: 30.07.2020. of District Collector, Adilabad
6. Notice No.274/TW.LTR/2020, dt. 28.08.2020.

ORDER

In the reference 1st read above, Government have issued detailed guidelines for issue of Agency Area Local Scheduled Tribe Certificates to the local STs living in the Scheduled Areas and procedure to be adopted for cancellation of such certificates in case of fake/bogus claims.

2. In pursuance of the said Government orders under reference 1st read above, the District Collector, Adilabad District vide her orders in the reference 2nd cited, has cancelled Agency Area Local ST Certificate bearing No. Rc.No. C/34/2019, dated 13.03.2019 issued by Tahsildar Bazarhathnoor Mandal to Ade Kapil Dev S/o Ganesh R/o Rampur village of Bazarhathnoor Mandal of Adilabad District, basing on the following observations of the Scrutiny Committee:

- The Tahsildar, Bazarhathnoor has issued Agency Certificate Rc.No.C/03/2019, dt.10.01.2019 without following the guidelines issued in G.O.Ms.No.24 TW (LTR-1) Department, dated 12-06-2018.
- The applicant has submitted only 1342 Fasli (1932 year) land documents in the name of Manjya and the Sy.No.is not mentioned.
- Failed to produce Khasra pahani or Teen-sal pahani or 1960.
- Submitted pahanies for Sy.No.32 for the years 1969-70 to 2018-19 in the name of Qheema S/o Manjya recorded, however in family tree of the applicant grandfather, but his father's residence proof documents not submitted and also failed to establish relationship between Qheema and Ganesh.
- No records between the period 1932 to 1970.
- Also failed to submit basic records like Fasli, Khasra, Wasool Baqui or any other documents etc., pertaining to his family before the committee.
- Not produced any related documents in support of having agricultural lands in favour of his forefathers prior to 1950 or having any possession or cultivated the agricultural lands in the notified village in forefather's name.

(Contd...2)

- A show cause notice was issued to Ade Kapil Dev S/o Ganesh R/o Rampur village of Bazarhathnoor Mandal to attend before the District Collector, Adilabad on 31.01.2020 to prove his claim as Local ST with relevant material/documents. Accordingly, he attended before the Dist. Collector on 31.01.2020.
- The family tree produced was of Manjya S/o Bhikya. Further clear documents were only produced from 1969-70 in the name of Sri Qheema. It appears that family has migrated in the year 1965-70 only but added a name of different Manjya to create evidence. Even though the candidate has been given ample time, he has not submitted required documentary evidence since 1950 pertaining to his family.
- In view of the above, in exercise of powers under Section 5 (1) of AP (SCs, STs and BCs) Regulation of Issue of Community Certificates Act 16 of 1993 and as per GO Ms.No.24, TW (LTR.1) Department, dated 12.06.2018 accepted recommendations of the Scrutiny Committee and cancelled the Agency Area ST Certificate in Rc.No.C/34/2019, dt.13.03.2019 issued by the Tahsildar, Bazarhathnoor to the Appellant Ade Kapil Dev S/o Ganesh R/o Rampur village and declared him as not local ST as per definition of GO Ms.No.24, dt.12.06.2018 of TW (LTR.1) Department.

3. Aggrieved by the above cancellation orders of the District Collector, Adilabad, the Appellant Ade Kapil Dev S/o Ganesh submitted Appeal before the Government under G.O.Ms.No.24, dt.12.6.2018. The contentions of Ade Kapil Dev S/o Ganesh and the documents submitted along with the Appeal are as follows:

- He has been selected for the post of TRT under Agency Scheduled Tribe Category of Adilabad District.
- During verification of documents by the committee, he did not have certain papers to produce and that now he has collected all the documents and submitted herewith following documents along with the Appeal.
 - According to 1359 Fasli i.e. 1949-50 the name of Manjya S/o Alya @ Bikya who is great grandfather found in Sy.No.32 extent 0.05 guntas PP land situated at Rampur village of Bazarhathnoor Mandal.
 - According to Khasra 1954-55 the name of Manjya S/o Alya @ Bikya is found in Sy.No.32 extent 0.02 guntas which is a PP land on which a hut is erected.
 - Teen-Sal Pahani (1955-56, 1956-57 and 1957-58) name of Sri Manjya S/o Alya @ Bikya is found in Sy.No.32 occupying an extent of 0.04 guntas in which he has cultivated Makka (Maize).
 - According to 1962-63 pahani Sri Qheema S/o Manjya is standing as a cultivator in Government land extent 5.07 acres (cultivation) in Sy.No.32 situated at Rampur village, Bazarhathnoor Mandal and occupied an extent of land 0.02 guntas for the house purpose. Qheema is a grandfather of the applicant in this case to prove this the voter list of 1977 of Rampur village of Bazarhathnoor village has been verified and found the names of the following persons in the voter list of 1977 of Rampur village of Bazarhathnoor Mandal.

Sl.No.in voters list of 1977	Name of the family member	Relationship with applicant	House No.
189	Qheema S/o Manjya	Grandfather (Tataiah)	2-18
190	Sundaribai W/o Qheema	Grandmother (Nanamma)	2-18
191	Sakru S/o Manjya	Small Grandfather (Tataiah)	2-18
192	Surithibai W/o Sakru	Small Grandmother (Nanamma)	2-18
193	Polibai W/o Manjya	Great Grandmother (Peddataa Amma)	2-18
194	Devula S/o Manjya	Small Grandfather (Chinna Tataiah)	2-18
195	Supiribai W/o Devula	Small Grandmother (Chinna Nanamma)	2-18

- All the above persons are alive as on date except family member shown at Sl.No.193 and all are having Aadhar cards.
- Appellant's father Sri Ganesh S/o Qheema got land in Sy.No.34 during the year 1991-92 who continued as on date as pattadar in Sy.No.34/13 extent 6.27 acres of Rampur village of Bazarhathnoor Mandal.
- The Scrutiny Committee headed by Project Officer ITDA Utnoor in which Revenue Divisional Officers of concerned Divisions were also Members, did not verify the papers properly, however they gave him only (3) days time for submission of documents, but he could not get the certificates from the Tahsildar, Bazarhathnoor within the stipulated time, as such the Scrutiny Committee rejected his request for appointment and submitted proposals to the District Collector for taking necessary action in the matter.
- The District Collector, Adilabad basing on the report submitted by the Scrutiny Committee has issued orders rejecting his request for the above reasons.
- He was made to run from pillar to post by the officers concerned for collection of his papers. In spite of his best efforts, he could not get the documents in time.
- Therefore, the officers without giving him any chance had taken a decision rejecting his request – had he been given some more time, he would have submitted all the papers required by the Scrutiny Committee.
- Being a bonafide candidate of the Agency Area since his birth as his all family members as shown above hail from Agency area and deserve the benefit in TRT.
- Thus, the per curium decision taken by the officers without giving him some more time amounts to travesty of natural justice due to which he was subjected to face embarrassing situation.

4. Therefore, the Appellant prayed the Government to take his Appeal into consideration for his appointment in TRT category.

Documents submitted along with Appeal Petition:

- Family Tree duly Notarized – Manjya S/o Alya @ Bhikya is great grandfather of appellant and he has three sons viz., 1) Qheema (grandfather of appellant), 2) Sakru (grandfather) and 3) Devula (grandfather). Qheema S/o Manjya (grandfather of appellant) has

three sons viz., 1) Noorsingh (eldest paternal uncle of appellant), 2) Ganesh (father of appellant) and Suresh (youngest paternal uncle). Ganesh i.e. father of appellant Kapil Dev has three children viz., 1) Ade Kapil Dev (son and appellant), 2) Jyothi (sister of appellant) and 3) Krishnamurthy (youngest brother of appellant).

- Copy of 1342 Fasli Pahani (Year 1932) in Modi language, translated by Sri K.Raja Ram, Ex-Patwar, Narnoor Mandal District, Expert in Modi Language Reading and Translations – Namuna No.3 shows Sri Manjya was having an extent of 6.00 acres in Rampur village of Boath Taluq (True copy certified by Dy.Tahsildar, Boath Mandal).
- Takhta Pahani Pathrika, Rampur village, Boath Taluq for 1359 Fasli (1949 year) translated by Sri Nagorao Jhade, Marathi Modi Translator, R/o Mahagaon, Narnoor Mandal, Dist. Adilabad – Manjya S/o Alu cultivated Chilli and Maize in 0.5 gts and remaining land kept fallow – (True copy certified by Dy.Tahsildar, Bazar Hathnoor).
- Khasra Pahani 1954-1955 – Rampur village, Boath Taluq- True copy certified by Dy.Tahsildar, Bazar Hathnoor.
- Teensal Pahani Pathrika 1955-1956, 1956-1957, 1957-1958 – village: Rampur, Taluq: Boath – True copy certified by Dy.Tahsildar, Bazar Hathnoor – shows name of Manjya S/o Alu in Sy.No.32.
- Pahani for 1962-63 – Sy.No.32 shows name of Qheema S/o Manjya (grandfather of appellant) (True copy certified by Dy.Tahsildar, Bazar Hathnoor).
- Pahani for 1969-70 – Sy.No.32 shows name of Qheema S/o Manjya in Sy.No.32 of Rampur (v), Bazarhathnoor Mandal.
- Pahani for 1977-78 – Sy.No.33 shows name of Qheema S/o Manjya in Sy.No.32 of Rampur (v), Bazarhathnoor Mandal.
- Pahani for 1981-82 – In Sy.No.32 laoni patta stands in the name of Qheema S/o Manjya (grandfather of appellant) for an extent of 5.00 acres.
- Pahani for 1990-91 – In Sy.No.32 patta stands in the name of Qheema S/o Manjya for an extent of 5.00 acres.
- Pahani for 1991-92 – In Sy.No.34 an extent of Acs.6.27 gts stands patta in the name of Ganesh S/o Qheema (father of appellant).
- Pahani for 1993-94 – do -
- Pahani for 2003-04 – In Sy.No.34/13 do -
- Pahani for 2008-09 – do -
- Pahani for 2009-10 - In Sy.No.32 an extent of acs.5.00 stands patta in the name of Qheema S/o Manjya (grandfather of appellant).
- Pahani for 2011-12 – In Sy.No.34/13 an extent of Acs.6.27 stands patta in the name of Ganesh S/o Qheema (father of appellant).
- Pahani for 2012-13 – do -
- PPB issued in favour of Ganesh S/o Qheema (father of appellant) for an extent of Acs.6.27 in Sy.No.34/13 of Rampur (v), Bazarhathnoor Mandal.
- Voter for the year 1977 – Part No.144 – Taluk: Boath, Firka: Hathnoor, village: Rampur (Block No.1-3) – In House No.2-18 – Voter Sl.No.189 shows name of Kheema S/o Manjya, 190 Sundaribai W/o Qheema, 191 Sakru S/o Manjya, 192 Surithibai W/o Sakru, 193 Polibai W/o Manjya, 194 Sevula S/o Manjya and 195 Suripibai W/o Devula.
- Resolution passed by the Gram Panchayat Gangapur, Bazarhathnoor Mandal duly signed by Sarpanch and Panchayat Secretary of Gangapur – unanimously resolved and certified that father of 1) Ade Qheema S/o Manjya, 2) Ade Sakru S/o Manjya, 3) Ade Devula S/o Manjya residing in Lakshminaikthanda H/o Rampur under GP Gangapur is one and the same Manjya S/o Bheekya @ Halya who was resident of Lakshminaikthanda H/o Rampur.

5. Vide reference 4th read above, the District Collector, Adilabad has been requested to submit original record pertaining to the case along with para-wise remarks.

6. Accordingly, vide reference 5th read above, the District Collector, Adilabad has submitted original record of the case along with para-wise remarks.

7. Vide reference 6th read above, a Notice has been issued to the Appellant to attend for hearing on 05.09.2020 at 11.00 AM before the Government to prove her claim along with documentary evidences. Accordingly, the Appellant, who attended the hearing on 5.9.2020, has again submitted the same documents as submitted along with the Appeal but in original or duly attested (in original).

8. Verified the record sent by Project Officer, ITDA, Utnoor, wherein the following documents were found to have been submitted by the applicant during enquiry, to the Scrutiny Committee.

1. Xerox copy of Family Tree duly Notarized (same copy submitted with Appeal and during hearing on 5.9.2020).
2. Pahani of 1342 Fasli (1932 year) – showing Manjya R/o Rampur village, Boath Mandal was cultivating land in Namuna No.3 (great grandfather of appellant) (same copy submitted with Appeal and during hearing on 5.9.2020). This was in Marathi Modi language and copy of translation on NJ stamp worth Rs.20/- by Translator K.Raja Ram, Ex-Patwari of Narnoor Mandal.
3. Pahani for 1969-70 – In Sy.No.32 name of Qheema S/o Manjya is found (grandfather of appellant) (same copy submitted with Appeal and during hearing on 5.9.2020).
4. Pahani for 1977-78 – In Sy.No.32 name of Qheema S/o Manjya is found (grandfather of appellant) (same copy submitted with Appeal).
5. Pahani for 1981-82 – In Sy.No.32 name of Qheema S/o Manjya is found for an extent of 5.00 acres (grandfather of appellant) (same copy submitted with Appeal).
6. Pahani for 1990-91 – In Sy.No.32 laoni patta stands in the name of Qheemya S/o Manjya for an extent of 5.00 acres (grandfather of appellant) (same copy submitted with Appeal).
7. Pahani for 1991-92 – Sy.No.34 for an extent of Acs.6.27 gts stood in the name of Ganesh S/o Qheema (father of appellant) (same copy submitted along with appeal and during hearing on 5.9.2020).
8. Pahani for 1993-94 – Sy.No.34 for an extent of acs.6.27 gts stood in the name of Ganesh S/o Qheema (father of appellant) (same copy submitted along with appeal and during hearing on 5.9.2020).
9. Pahani for 2003-04 – Sy.No.34/13 for an extent of acs.6.27 gts stood in the name of Ganesh S/o Qheema (father of appellant) (same copy submitted with Appeal and during hearing on 5.9.2020).
10. Pahani for 2009-10 – Sy.No.32 shows an extent of 5.00 acres in the name of Qheema (grandfather of appellant).
11. Pahani for 2011-12 – In Sy.No.34/13 name of Ganesh S/o Qheema (father of appellant) is found for an extent of acs.6.27 gts (same copy submitted with Appeal and during hearing on 5.9.2020).
12. Pahani for 2012-13 – Sy.No.34/14 for an extent of acs.6.27 gts. in the name of Ganesh S/o Qheema (father of appellant) (same copy submitted with Appeal and during hearing on 5.9.2020).
13. Pahani for 2019 – Sy.No.32/2 for an extent of 5.00 acres relates to Qheema S/o Manjya (grandfather of appellant)

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14. Pattedar Pass Book No.T13030190012 – Khatta No.21 – in the name of Ade Namdev S/o Sakru R/o Rampur (second eldest brother of appellant) in Sy.No.334/14 an extent of acs.6.27 gts assigned land (by inheritance).
 15. Copy of PPB bearing No.T13030190011/Khata No.20 in the name of Ganesh S/o Qheema (father of appellant) R/o Rampur (assigned land by inheritance) (same copy submitted during hearing on 5.9.2020).
 16. Voter list for the year 1977 – Part No.144 – Taluk: Boath, Firka: Hathnoor, village: Rampur (Block No.1-3) – In House No.2-18 – Voter Sl.No.189 shows name of Qheema S/o Manjya, 190 Sundaribai W/o Qheema, 191 Sakru S/o Manjya, 192 Surithibai W/o Sakru, 193 Polibai W/o Manjya, 194 Sevula S/o Manjya and 195 Suripibai W/o Devula (same copy submitted with Appeal and during hearing on 5.9.2020).
9. The certificate was cancelled by the District Collector, Adilabad, mainly on the following grounds:

Ground for cancellation	Observation
Applicant has submitted 1342 Fasli (1932 year) land documents mentioned the name of Manjya and the Sy.No. is not mentioned.	As seen from the copy of 1342 Fasli (Year 1932) available in the record produced by PO ITDA Utnoor, Namuna No.3 shows the name of Sri Manjya for an extent of 6.00 acres in Rampur village of Boath Taluq (true copy certified by Dy.Tahsildar, Boath Mandal) as translated from Modi Language to Telugu by Sri K.Raja Ram, Ex-Patwar, Narnoor Mandal Dist, Expert in Modi Language Reading and Translations on NJ Stamp worth Rs.20/-
Failed to produce Khasra pahani or Teen-sal pahani or 1960.	Appellant Ade Kapil Dev S/o Ganesh submitted the following documents along with Appeal and also during hearing on 5.9.2020: <u>Takhta Pahani Pathrika, Rampur village, Boath Taluq for 1359 Fasli (1949 year) translated by Sri Nagorao Jhade, Marathi Modi Translator, R/o Mahagaon, Narnoor Mandal, Dist. Adilabad – Manjya S/o Alu cultivated Chilli and Maize in 0.5 gts and remaining land kept fallow – (True copy certified by Dy.Tahsildar, Bazar Hathnoor).</u> <u>Khasra Pahani 1954-1955 – Rampur village, Boath Taluq- True copy certified by Dy.Tahsildar, Bazar Hathnoor.</u> <u>Teensal Pahani Pathrik 1955-1956, 1956-1957, 1957-1958 – village: Rampur, Taluq: Boath – True copy certified by Dy.Tahsildar, Bazar Hathnoor – shows name of Manjya S/o Alu in Sy.No.32 (great grandfather of appellant)</u>

	<p><u>Pahani for 1962-63</u> – Sy.No.32 shows name of Qheema S/o Manjya (grandfather of appellant) (True copy certified by Dy.Tahsildar, Bazar Hathnoor).</p>
<p>Submitted pahanies for Sy.No.32 for the years 1969-70 to 2018-19 in the name of Qheema S/o Manjya recorded, however in family tree of the applicant grandfather, but his father's residence proof documents not submitted and also failed to establish relationship between Qheema and Ganesh.</p>	<p>Pahani for 1969-70 – Sy.No.32 shows name of Qheema S/o Manjya in Sy.No.32 of Rampur (v), Bazarhathnoor Mandal.</p> <p>As per family tree which was duly Notarized - Manjya S/o Alya @ Bhikya is great grandfather of appellant and he has three sons viz., 1) Qheema (grandfather of appellant), 2) Sakru (grandfather) and 3) Devula (grandfather). Qheema S/o Manjya (grandfather of appellant) has three sons viz., 1) Noorsingh (eldest paternal uncle of appellant), 2) Ganesh (father of appellant) and Suresh (youngest paternal uncle). Ganesh i.e. father of appellant Kapil Dev has three children viz., 1) Ade Kapil Dev (son and appellant), 2) Jyothi (sister of appellant) and 3) Krishnamurthy (youngest brother of appellant). The appellant and his forefathers are residents of Rampur village only as per land records till 2019.</p> <p>The relationship between Qheema and Ganesh is very clear from the family tree notarized i.e. Qheema is father of Ganesh and Ganesh of father of the appellant.</p> <p>The PPB issued in the name of Sri Ganesh i.e. father of the Appellant clearly shows name of Ganesh as Qheema – this was issued by the revenue Department only and resident of Rampur village.</p> <p>As regards questioning to establish relationship between Qheema and Ganesh i.e. father and son</p>
<p>No records between the period 1932 to 1970.</p>	<p>As stated above sufficient records like land records from Fasli 1342 (year 1932), voter list available from 1977 year including GP resolution to the extent that Manjya which was shown in the family tree is the same Manjya (great grandfather) who is father of 1) Ade Qheema (grandfather of</p>
<p>Also failed to submit basic records like Fasli, Khasra, Wasool Baqui or any other documents etc., pertaining to his family before the committee.</p>	
<p>Not produced any related documents in support of having agricultural lands in favour of his</p>	

forefathers prior to 1950 or having any possession or cultivated the agricultural lands in the notified village in forefather's name.	appellant), 2) Ade Sakru and 3) Ade Devula and lived in Laxmanaikthanda H/o Rampur village.
The family tree produced was of Manjya S/o Bhikya. Further clear documents were only produced from 1969-70 in the name of Sri Qheema. It appears that family has migrated in the year 1965-70 only but added a name of different Manjya to create evidence. Even though the candidate has been given ample time, he has not submitted required documentary evidence since 1950 pertaining to his family.	-do-

10. Thus, as seen from the documents available on the record of Scrutiny Committee headed by Project Officer ITDA Utnoor, documents submitted along with Appeal and documents produced during hearing on 5.9.2020 amply prove that the appellant and his ancestors are residents of Rampur, a notified tribal village since 26.1.1950 as required under GO Ms.No.24, dt.12.6.2018 of TW (LTR.1) Department.

11. Government after careful examination of the documents available on record, documents submitted by the Appellant along with the Appeal petition, during hearing on 5.9.2020 and also in the light of the interim orders of the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh passed in IA No.1 of 2018 in WP No.31426 of 2018, dated 5.9.2018 and in IA No.1 of 2018 in WP. No.32413 of 2018, dated 14.9.2018, it is found that the Appellant and his/her forefathers have been residing in Rampur village of BazarHathnoor Mandal of Adilabad District, which is in scheduled area. As such the LSTAC bearing Rc.No.C/34/2019, dated 13.03.2019 issued by Tahsildar Bazarhathnoor Mandal to the Appellant Ade Kapil Dev S/o.Ganesh, R/o Rampur village of Bazarhathnoor Mandal, Adilabad District is found genuine and valid.

12. Accordingly, Government hereby set aside orders of the District Collector, Adilabad in Procs. Rc.No.C3/2596/2019-33, dated 31.01.2020, and allow the Appeal Petition filed by Ade Kapil Dev S/o.Ganesh, R/o Rampur village of Bazarhathnoor Mandal, Adilabad District.

13. The District Collector, Adilabad District shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

Dr. CHRISTINA Z.CHONGTHU
SECRETARY TO GOVERNMENT

To

The District Collector, Adilabad District.

Ade Kapil Dev S/o.Ganesh, R/o Rampur village of Bazarhathnoor Mandal,
Adilabad District

Copy to:

1. The Secretary, Telangana State Public Service Commission, Hyderabad (for information & necessary action)
2. The Project Officer, ITDA Utnoor, Adilabad District (for information & necessary action)
3. The District Educational Officer, Adilabad (for information & necessary action)
4. The PS to Hon'ble Minister for ST Welfare for information.
5. The PS to Secretary (TW)
SF/SC.

//FORWARDED:: BY ORDER//

SECTION OFFICER